

REMARKS

The Applicant hereby traverses the restriction requirement and asks for its reconsideration and withdrawal. The Examiner is requested to withdraw the restriction requirement and concurrently examine all of the claims now in the application. The avowed purpose of the Patent & Trademark Office in requiring an election, whether part of a species or invention restriction, is the avoidance of a burdensome examination, i.e., to avoid multiple searches, etc. However, MPEP §803 provides that, if the search and examination of an entire application can be made without serious burden, the examiner is encouraged to examine it on the merits even if it is considered to include claims to two different or independent inventions.

It is respectfully submitted that the examination of all the claims in this application will not place an undue burden on the Patent Office. The Examiner asserts that the Group I claims are drawn to a water treatment apparatus, including a pair of venturi chambers, whereas the Group II claims are drawn to a water treatment apparatus including a control turbine. However, the Group I claims include claims 4, 13 and 15, all of which are directed to a control turbine. In order to properly examine these claims, the Examiner will have to search the same art that needs to be searched for the Group II claims, which, as the Examiner acknowledges, are directed to a control turbine. It is not seen how the Examiner can reduce his search burden by restricting the claims as he has done.

The Examiner has also created a Group III, that includes claims 23-25. The Examiner contends that these claims are drawn to a control valve assembly, including a bypass chamber. However, the Group I claims includes claim 16, which is also directed to a bypass chamber. In order to properly examine claim 16, the art needed to be searched for the Group III claims will also have to be searched. Again, the Examiner's search/examination burden is not reduced by eliminating the Group III claims from present prosecution.

In view of the above, the Applicant respectfully requests that the Examiner withdraw the restriction requirement and that the Examiner concurrently examine the Group I, Group II and Group III claims.

Please charge any deficiency or credit any overpayment in the fees for this response to our Deposit Account No. 20-0090.

Respectfully submitted,

/John R. Hlavka/

John R. Hlavka

Reg. No. 29,076

TAROLLI, SUNDHEIM, COVELL,
& TUMMINO LLP

CUSTOMER NO.:26294

Phone:(216) 621-2234

Fax: (216) 621-4072